

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

76-7476
and the following related appeals:
76-7486 76-7488 76-7489 76-7494 76-7495 76-7499 76-7500

LAWRENCE J. BERKOWITZ, Pro Se

UNITED STATES COURT OF APPEALS

FOR THE
SECOND CIRCUIT

76-7476

NEWBURGER, LOEB & CO., INC. as Assignee of Claims of David
Buckley and Mary Buckley

Plaintiff-Appellant-Cross-Appellee,

-against-

CHARLES GROSS, MABEL BLEICH, GROSS & CO., and JEANNE
DONOGHUE,

Defendants-Appellees-Cross-Appellants,

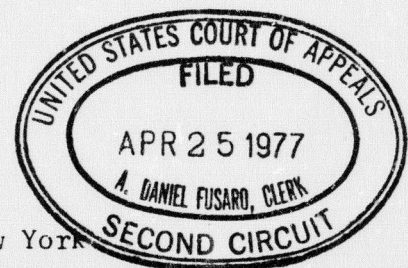
NEWBURGER, LOEB & CO., a New York Limited Partnership, ANDREW
M. NEWBURGER, ROBERT L. NEWBURGER, RICHARD D. STERN,
WALTER D. STERN and ROBERT L. STERN as Executors of the Estate
of Leo Stern, ROBERT L. STERN, RICHARD D. STERN, SANFORD
ROGGENBURG, FRED KAYNE, ROBERT MUH, PAUL RISHER,
CHARLES SLOANE, ROBERT S. PERSKY, FINLEY, KUMBLE,
WAGNER, HEINE, UNDERBERG & GRUTMAN, a Partnership (formerly
known as Finley, Kumble, Underberg, Persky & Roth and Finley, Kumble,
Heine, Underberg & Grutman),

Additional Defendants on Counterclaims-
Appellants-Cross-Appellees,

LAWRENCE J. BERKOWITZ,

Additional Defendant on Counterclaims-
Cross-Appellee.

Appeal from a Judgment of the United States
District Court for the Southern District of New York



REPLY BRIEF OF ADDITIONAL DEFENDANT ON COUNTERCLAIMS-CROSS-APPELLEE

LAWRENCE J. BERKOWITZ, Pro Se
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STATEMENT OF FACTS

By an Opinion and Order of July 7, 1976, the Hon. Richard Owen, after trial by Court sitting without a Jury, concluded, at P. 521-footnote #21 of Joint-Appendix-Pleadings, on a question of fact, as to additional Defendant on Counterclaims (Cross-Appellee herein) LAWRENCE J. BERKOWITZ, as follows:

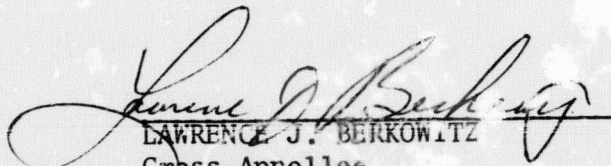
"The proof as to Berkowitz' participation was substantially weaker than as to the others.

While he participated in the Rafkind matter and, to some minor degree in the Buckley case, he does not appear to have participated in any threats to Gross with others of the new team. I therefore dismiss as to Berkowitz."

Defendant-Appellees-Cross-Appellants; CHARLES GROSS, MABEL BLEICH, GROSS & CO., and JEANNE DONOGHUE appeal the Judgment of the Trial Court. In their opening brief, received by mail in California by Cross-Appellee BERKOWITZ on March 19, 1977, without Proof of Service by Mail attached, the Defendant-Cross-Appellees-Cross-Appellants do not allege any error or deficiency in the Trial Court's dismissal as to Cross-Appellee BERKOWITZ.

CONCLUSION

On the basis of Cross-Appellant's failure to allege or prove error, by the Trial Court, Cross-Appellee BERKOWITZ respectfully requests that the Judgment of the Trial Court be affirmed as to him.


LAWRENCE J. BERKOWITZ
Cross-Appellee

Dated: 4/18/77

PROOF OF SERVICE BY MAIL

I, LAWRENCE J. BERKOWITZ, hereby declare under penalty of perjury that this reply was mailed by me at Los Angeles, California on April 18, 1977 to the Court and all parties, as follows:

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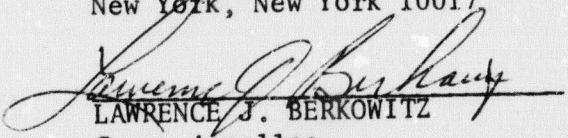
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LAWRENCE J. BERKOWITZ
Cross-Appellee

Dated: 4/18/77

